

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

SURFER INTERNET BROADCASTING)
OF MISSISSIPPI, LLC)

Plaintiff,)

v.)

XM SATELLITE RADIO, INC., and)
SIRIUS SATELLITE RADIO INC.)

Defendants.)

Civil Action No. 4:07cv34-M-B

DECLARATION OF WILLIAM GRYWALSKI

I, WILLIAM GRYWALSKI, do hereby declare and state as follows:

1. I am over twenty-one (21) years of age and fully competent to make this declaration and to testify to the matters set forth herein. I have personal knowledge of the statements contained herein and the facts stated herein are true and correct.

2. This declaration is submitted in support of Surfer Internet Broadcasting of Mississippi, LLC's Opposition to Defendants' Joint Motion to Transfer.

3. I am the President of Surfer Internet Broadcasting of Mississippi, LLC ("SIBM"), the plaintiff in the above-styled and numbered lawsuit.

4. SIBM maintains its principal place of business at 800 Highway 1 South in Greenville, Mississippi.

5. Documents related to United States Patent No. 6,776,376, which is the subject of the above-styled and numbered lawsuit, are kept at SIBM's principal place of business in Greenville, Mississippi.

Village"), an orphanage located in Meridian, Mississippi.

7. I have stayed at the Fairfield Inn, located at 137 North Walnut Street in Greenville, Mississippi, at a cost of \$56 per night.

8. As reported in the Daily Telegraph on April 24, 2007, the average cost for staying in a hotel in New York, New York is \$374 per night. A copy of the relevant article is attached hereto as Appendix 1.

9. I am willing to travel to the Northern District of Mississippi to provide testimony in the lawsuit. Traveling to the Northern District of Mississippi to provide testimony in this lawsuit would not pose an inconvenience to me.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct, and that this declaration was executed on May 7, 2007 at

Flinders, New Jersey.


William Grywalski

THE Daily Telegraph

Hotel rates on the rise

By Caroline Pierce

April 24, 2007 12:00

Article from:

(ESCAPE)

GUEST expectations at the world's top hotels get greater every year. No longer satisfied with a bar of soap and a shower cap in the bathroom, guests now demand bathrobes, slippers and luxury toiletries as a start.

Any self-respecting hotel must have a swimming pool, gymnasium, spa, 24-hour concierge and a variety of extras from a pillow menu to fresh flowers, chocolates and champagne on arrival.

With the tourism downturn following the events of September 11, 2001 and the rising cost of air travel, these things came at a minimal cost increase to the average traveller.

But it seems that's about to change. Greater demand is seeing the end of the aggressive discounting which meant you could be treated like royalty without paying a king's ransom.

A survey by hotels.com released in late March found that hotel prices around the world rose by an average of 15 per cent in the last three months of 2006, compared with the same period in the previous year.

The survey tracked prices paid for accommodation at everything from bed and breakfasts to five-star hotels worldwide.

In the US, rates rose 11 per cent on average, in Asia 12 per cent and the UK 17 per cent.

The biggest price rise was in Bangkok. Average cost of staying in the Thai capital rose 58 per cent to \$106 – still nowhere near London's average of \$258, which included a rise of 22 per cent.

The UK remained the most expensive country in Europe to rest your head during 2006. Rome was the most expensive continental European city at \$227 a night, followed by Copenhagen and Amsterdam, both \$224.

Moscow retained its position as the world's most expensive place to find a room – an average of \$415 a night – despite dropping three per cent on 2005's prices.

Second and third were New York and Dubai, which came in at an average of \$374 and \$299 a night, respectively.

New York was the most expensive place to stay in a luxury hotel, with prices averaging \$827 compared with \$543 in London.

If you're looking for a bargain bed, try Shanghai or Bali. Both came in with average room prices of around \$150.

American Express's 2006 Business Travel Monitor, released at the end of March, backs up the hotels.com research.

It tracks the cost of travel booked through American Express and found that international air fares (5.8 per cent),

international hotel rates (8.5 per cent) and budget-tier hotels (19 per cent) in the US experienced the greatest price rises.

"Budget hotels are trying to attract more of the business travel market," said Mike Streit, vice-president of American Express business travel advisory services. "They are heavily investing in room renovations and adding in-room amenities."

Patrick Griffin, national accommodation president of the Australian Hotels Association and managing director of The Observatory Hotel in The Rocks, says the trend is likely to follow here in Australia.

In the first three months of this year, the cost of staying in a five-star hotel in the Sydney CBD was \$254 a night. This compares to \$244 in the same period last year – an increase of about five per cent, which is not much more than the inflation rate.

Mr Griffin says travellers to Australia are getting a good deal when you compare rates with places like London and New York.

"Business is picking up and, as a result, there will be greater confidence to bring rates into line with other international cities," Mr Griffin said.

"The hospitality industry has a high labour component, and Australia has the second-highest labour cost in the OECD. That has to flow through.

"Sydney is unlikely to ever reach the giddy heights of London pricing. It's the town at the end of the line: it's expensive to reach and it's not an international transit point.

"Our rates will have to go up, but we will always be a value-for-money destination."

The Sunday Telegraph



What people want ... Sydney's Observatory Hotel has the quiet luxury five-star travellers expect / No credit

LUXURY HOTELS



ROOM FOR TWO

IN an extract from his book, *Hotel Heaven: Confessions of a Luxury Hotel Addict*, travel writer Matthew Brace gives you the key to his 'Magnificent Seven' hotels.

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EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

SURFER INTERNET BROADCASTING)	
OF MISSISSIPPI, LLC)	
)	
Plaintiff,)	Civil Action No. 4:07cv34-M-B
)	
v.)	
)	
XM SATELLITE RADIO, INC., and)	
SIRIUS SATELLITE RADIO INC.)	
)	
Defendants.)	

DECLARATION OF HAROLD PRICE

I, HAROLD PRICE, do hereby declare and state as follows:

1. I am over twenty-one (21) years of age and fully competent to make this declaration and to testify to the matters set forth herein. I have personal knowledge of the statements contained herein and the facts stated herein are true and correct.
2. This declaration is submitted in support of Surfer Internet Broadcasting of Mississippi, LLC's Opposition to Defendants' Joint Motion to Transfer.
3. I am the sole inventor of United States Patent No. 6,776,376, which is the subject of the above-styled and numbered lawsuit.
4. I am willing to travel to the Northern District of Mississippi to provide testimony in the lawsuit. Travelling to the Northern District of Mississippi to provide testimony in this lawsuit would not pose an inconvenience to me.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the
foregoing is true and correct, and that this declaration was executed on May 7, 2007 at
Bethel Park, PA.

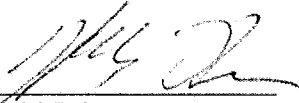

Hafold Price

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

SURFER INTERNET BROADCASTING)
OF MISSISSIPPI, LLC)

Plaintiff,)

Civil Action No. 4:07cv34-M-B

v.)

XM SATELLITE RADIO, INC., and)
SIRIUS SATELLITE RADIO INC.)

Defendants.)

DECLARATION OF ERNEST D. BUFF

I, ERNEST D. BUFF, do hereby declare and state as follows:

1. I am over twenty-one (21) years of age and fully competent to make this declaration and to testify to the matters set forth herein. I have personal knowledge of the statements contained herein and the facts stated herein are true and correct.
2. This declaration is submitted in support of Surfer Internet Broadcasting of Mississippi, LLC's Opposition to Defendants' Joint Motion to Transfer.
3. I am the attorney who prepared and prosecuted the application leading to the patent-in-suit, United States Patent No. 6,776,376 ("the '376 patent"), before the United States Patent Office. The '376 patent is the subject of the above-styled and numbered lawsuit.
4. I am willing to travel to the Northern District of Mississippi to provide testimony in the lawsuit. Traveling to the Northern District of Mississippi to provide testimony in this lawsuit would not pose an inconvenience to me.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct, and that this declaration was executed on May 7, 2007 at Daytona Beach, Florida.

A handwritten signature in black ink, appearing to read "Ernest D. Buff", written in a cursive style.

Ernest D. Buff

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

SURFER INTERNET BROADCASTING)	
OF MISSISSIPPI, LLC)	
)	
Plaintiff,)	Civil Action No. 4:07cv34-M-B
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v.)	
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XM SATELLITE RADIO, INC., and)	
SIRIUS SATELLITE RADIO INC.)	
)	
Defendants.)	

DECLARATION OF JOHN F. WARD, ESQ.

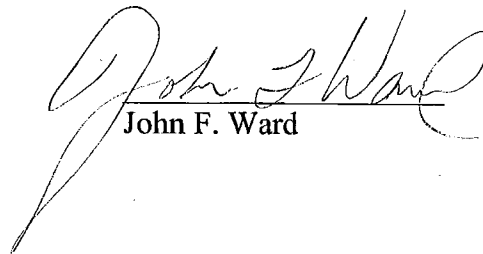
I, John F. Ward, do hereby declare and state as follows:

1. I am over twenty-one (21) years of age and fully competent to make this declaration and to testify to the matters set forth herein. I have personal knowledge of the statements contained herein and the facts stated herein are true and correct.
2. This declaration is submitted in support of Surfer Internet Broadcasting of Mississippi, LLC's Opposition to Defendants' Joint Motion to Transfer.
3. I am a partner at the law firm of Ward & Olivo.
4. I am admitted to practice in the State of New York and the Southern District of New York.
5. I have litigated several patent infringement cases in the Southern District of New York.
6. According to LegalMetric, LLC, the length of time to bring a patent infringement action in the Southern District of New York averages approximately 44.4

months. A copy of the relevant LegalMetric charts depicting average time is attached hereto as Appendix 1.

7. I am willing to travel to the Northern District of Mississippi to provide testimony in the lawsuit. Traveling to the Northern District of Mississippi to provide testimony in this lawsuit would not pose an inconvenience to me.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct, and that this declaration was executed on May 7, 2007 at New York, New York.



John F. Ward

TIME TO TRIAL

4

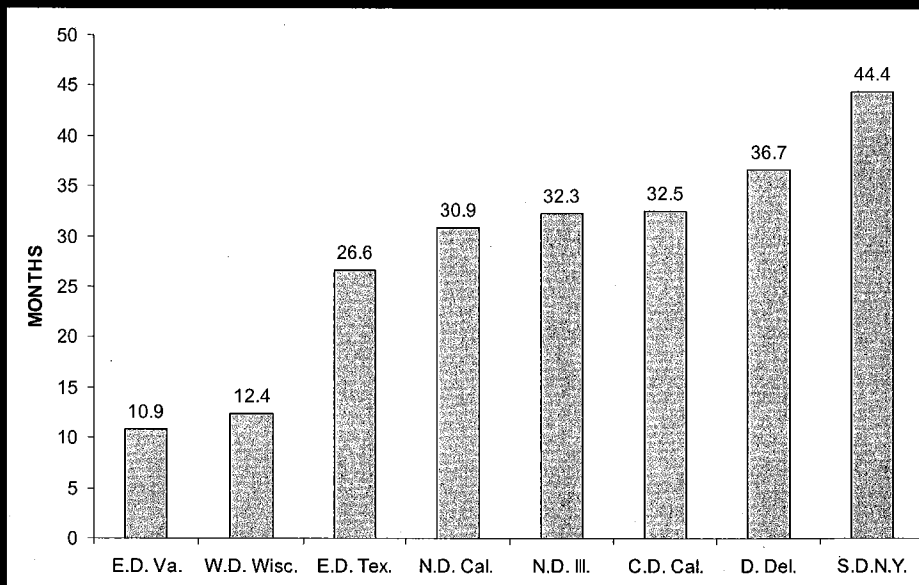
DISTRICT	MONTHS TO JURY TRIAL
E.D. Va.	10.9
W.D. Wisc.	12.4
E.D. Tex.	26.6
N.D. Cal.	30.9
N.D. Ill.	32.3
C.D. Cal.	32.5
D. Del.	36.7
S.D.N.Y.	44.4

Source: LegalMetric, LLC

March 30, 2007 · Affinia Manhattan Hotel, New York, NY

TIME TO TRIAL

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Source: LegalMetric, LLC

March 30, 2007 · Affinia Manhattan Hotel, New York, NY